

9VAC25-120 - GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES, GROUNDWATER REMEDIATION AND HYDROSTATIC TESTS

9VAC25-120-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law and 9VAC25-31 (VPDES permit regulation) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Central wastewater treatment facilities" means any facility that treats (for disposal, recycling, or recovery of materials) or recycles hazardous or nonhazardous waste, hazardous or nonhazardous industrial wastewater, or used material from offsite. This includes both a facility that treats waste received from off-site exclusively, and a facility that treats waste generated on-site as well as waste received from off site.

"Chlorinated hydrocarbon solvents" means solvents containing carbon, hydrogen, and chlorine atoms and the constituents resulting from the degradation of these chlorinated hydrocarbon solvents.

"Department" or "DEQ" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality, or an authorized representative.

"Petroleum products" means petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils. "Petroleum products" does not include hazardous waste as defined by the Virginia Hazardous Waste Regulations (9VAC20-60).

"Total maximum daily load" or "TMDL" means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, and load allocations (LAs) for nonpoint sources or natural background or both, and must include a margin of safety (MOS) and account for seasonal variations.

9VAC25-120-15. Applicability of incorporated references based on the dates that they became effective.

Except as noted, when a regulation of the U.S. Environmental Protection Agency (EPA) set forth in Title 40 of the Code of Federal Regulations is referenced or adopted herein and incorporated by reference, that regulation shall be as it exists and has been published as a final regulation in the Federal Register prior to July 1, 2012, with the effective date as published in the Federal Register notice or February 26, 2013, whichever is later.

9VAC25-120-20. Purpose.

This general permit regulation governs the discharge of wastewaters from sites contaminated by petroleum products, chlorinated hydrocarbon solvents, ~~and the hydrostatic testing of petroleum and natural gas storage tanks and pipelines, and the hydrostatic testing of water storage tanks and pipelines.~~ These wastewaters may be discharged from the following activities: excavation dewatering, ~~purging groundwater monitoring wells, conducting aquifer tests to characterize site conditions, hydrostatic tests of natural gas and petroleum storage tanks or pipelines, hydrostatic tests of underground and above ground storage tanks, pumping contaminated groundwater to remove free product from the ground, or discharges resulting from another petroleum product or chlorinated hydrocarbon solvent cleanup activity approved by the department board, hydrostatic tests of natural gas and petroleum storage tanks or pipelines, hydrostatic tests of underground and above ground storage tanks, and hydrostatic tests of water storage tanks and pipelines.~~ Discharges not associated with petroleum-contaminated water, water contaminated by chlorinated hydrocarbon solvents, or hydrostatic tests are not covered under this general permit.

9VAC25-120-30. [Repealed]

9VAC25-120-31. [Repealed]

9VAC25-120-40. Delegation of authority.

The director, or an authorized representative, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

9VAC25-120-50. Effective date of the permit.

This general permit will become effective on February 26, ~~2008~~ 2013. This general permit will expire ~~five years from the effective date on February 25, 2018~~. This general permit is effective as to any covered owner upon compliance with all the provisions of 9VAC25-120-60 ~~and the receipt of this general permit~~.

9VAC25-120-60. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge to surface waters within the Commonwealth of Virginia provided that ~~the~~:

1. The owner files and receives acceptance by the board of the submits a registration statement of, if required to do so, in accordance with 9VAC25-120-70, and that registration statement is accepted by the board;
2. The owner complies with the applicable effluent limitations and other requirements of 9VAC25-120-80; and provided that:
3. The board has not notified the owner that the discharge is not eligible for coverage in accordance with subsection B of this section.

B. The board will notify an owner that the discharge is not eligible for coverage under this general permit in the event of any of the following:

1. Individual permit. The owner ~~has not been~~ is required to obtain an individual permit according to in accordance with 9VAC25-31-170 B of the VPDES Permit Regulation;
2. Prohibited discharge locations. The owner shall not be authorized by this general permit is proposing to discharge within five miles upstream of a public water supply intake or to state waters specifically named in other board regulations or policies which prohibit such discharges; and
3. Central wastewater treatment facilities. The owner shall not be authorized by this general permit is proposing to discharge to surface waters where there are permitted central wastewater treatment facilities reasonably available, as determined by the board;
4. The discharge violates or would violate the antidegradation policy in the Water Quality Standards at 9VAC25-260-30; or
5. The discharge is not consistent with the assumptions and requirements of an approved TMDL.

~~B. Receipt of~~ C. Compliance with this general permit constitutes compliance with the federal Clean Water Act, the State Water Control Law, and applicable regulations under either with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation. Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other appropriate applicable federal, state or local statute, ordinance or regulation.

D. Continuation of permit coverage.

1. Any owner that was authorized to discharge under the petroleum contaminated sites, groundwater remediation, and hydrostatic tests general permit issued in 2008 and that submits a complete registration statement on or before February 26, 2013, is authorized to continue to discharge under the terms of the 2008 general permit until such time as the board either:
 - a. Issues coverage to the owner under this general permit; or

b. Notifies the owner that the discharge is not eligible for coverage under this general permit.

2. When the owner that was covered under the expiring or expired general permit has violated or is violating the conditions of that permit, the board may choose to do any or all of the following:

a. Initiate enforcement action based upon the general permit that has been continued;

b. Issue a notice of intent to deny coverage under the amended general permit. If the general permit coverage is denied, the owner would then be required to cease the discharges authorized by the continued general permit or be subject to enforcement action for discharging without a permit;

c. Issue an individual permit with appropriate conditions; or

d. Take other actions authorized by the VPDES Permit Regulation (9VAC25-31).

9VAC25-120-70. Registration statement.

~~The owner shall file a complete VPDES general permit registration statement for discharges from petroleum contaminated sites, ground water remediation, and hydrostatic tests. Any owner proposing a new discharge shall file a complete registration statement at least 30 days prior to the date planned for commencing operation of the new discharge. Any owner of an existing discharge covered by an individual VPDES permit who is proposing to be covered by this general permit shall file the registration statement at least 180 days prior to the expiration date of the individual VPDES permit. Any owner of an existing discharge not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file a complete registration statement. The required registration statement shall contain the following information:~~

A. Any owner seeking coverage under this general permit who is required to submit a registration statement shall submit a complete VPDES general permit registration statement in accordance with this section, which shall serve as a notice of intent for coverage under the general VPDES permit for discharges from petroleum contaminated sites, ground water remediation, and hydrostatic tests.

B. Owners of the following types of proposed or existing discharges are not required to submit a registration statement to apply for coverage under this general permit:

1. Short term projects (14 days or less in duration) including:

a. Emergency repairs;

b. Dewatering projects;

c. Utility work and repairs in areas of known contamination;

d. Tank placement or removal in areas of known contamination;

e. Pilot studies or pilot tests, including aquifer tests; and

f. New well construction discharges of groundwater;

2. Hydrostatic testing of petroleum and natural gas storage tanks and pipelines; and

3. Hydrostatic testing of water storage tanks and pipelines.

Owners of these types of discharges are authorized to discharge under this permit immediately upon the permit's effective date of February 26, 2013.

Owners shall notify the department's regional office in writing within 14 days of the completion of the discharge. The notification shall include the owner's name and address, the type of discharge that occurred, the physical location of the discharge work, and the receiving stream. If the discharge is to a municipal separate storm sewer system (MS4), the owner shall also notify the MS4 owner within 14 days of the completion of the discharge.

Owners of these types of discharges are not required to submit a notice of termination at the completion of the discharge.

C. Deadlines for submitting registration statements.

1. New facilities. Any owner proposing a new discharge shall submit a complete registration statement at least 30 days prior to the date planned for commencing operation of the new discharge, unless exempted by subsection B of this section.

2. Existing facilities.

a. Any owner covered by an individual VPDES permit who is proposing to be covered by this general permit shall submit a complete registration statement at least 210 days prior to the expiration date of the individual VPDES permit.

b. Any owner that was authorized to discharge under the petroleum contaminated sites, ground water remediation, and hydrostatic tests general VPDES permit that became effective on February 26, 2008, who is not exempted under subsection A of this section and who intends to continue coverage under this general permit shall submit a complete registration statement to the board on or before January 27, 2013.

D. Late registration statements. ~~Late~~ Registration statements will be accepted after February 26, 2013, but authorization to discharge will not be retroactive. Owners described in subdivision C 2 b of this section that submit ~~late~~ registration statements after January 27, 2013 are authorized to discharge under the provisions of 9VAC25-120-60 D if a complete registration statement is submitted on or before February 26, 2013.

E. The required registration statement shall contain the following information:

1. Legal name of facility;
2. Location of facility, address, ~~and~~ telephone number, and email address (if available);
3. Facility owner name, address, ~~and~~ telephone number, and email address (if available);
4. Nature of business conducted at the facility;
5. Type of petroleum or natural gas products, or chlorinated hydrocarbon solvents causing or that caused the contamination;
6. Identification of activities that will result in a point source discharge from the contaminated site;
7. Whether a site characterization report for the site has been submitted to the Department of Environmental Quality;
8. Characterization or description of the wastewater or nature of contamination including analytical data;
9. The location of the discharge point and identification of the waterbody into which the discharge will occur. For linear projects, the location of all the proposed discharge points along the project length and the associated waterbody for each discharge point;
10. The frequency with which the discharge will occur (i.e., daily, monthly, continuously);
11. An estimate of how long each discharge will last;
12. An estimate of the total volume of wastewater to be discharged;
13. An estimate of the flow rate of the discharge;
14. A diagram of the proposed wastewater treatment system identifying the individual treatment units;
15. A USGS 7.5 minute topographic map or ~~other~~ equivalent computer generated map that indicates the receiving waterbody name or names, the discharge point or points, the property boundaries, as well as springs, other surface waterbodies, drinking water wells, and public water supplies that are identified in the public record or are otherwise known to the applicant within a 1/2 mile radius of the proposed discharge or discharges;

16. Whether the facility will discharge to a municipal separate storm sewer system (MS4). If so, the name of the MS4 owner. The owner of the facility shall notify the MS4 owner in writing of the existence of the discharge within 30 days of coverage under the general permit and shall copy the DEQ regional office with the notification. The notification shall include the following information: the name of the facility, a contact person and phone number, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number;

17. Whether central wastewater facilities are available to the site, and if so, whether the option of discharging to the central wastewater facility has been evaluated and the results of that evaluation;

18. Whether the facility currently has a permit issued by the board, and if so, the permit number;

19. Any applicable pollution complaint number;

20. A statement as to whether the material being treated or discharged is certified as a hazardous waste under the Virginia Hazardous Waste Regulation (9VAC20-60); and

21. The following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. I do also hereby grant duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property for the purpose of determining the suitability of the general permit.

F. The registration statement shall be signed in accordance with 9VAC25-31-110.

9VAC25-120-80. General permit.

Any owner whose ~~request for coverage under this general permit~~ registration statement is accepted by the board, or who is automatically authorized to discharge under this permit, shall comply with the requirements of the general permit and be subject to all requirements of 9VAC25-31-170 B of the VPDES permit regulation. Not all pages of Part I A of the general permit will apply to every permittee. The determination of which pages apply will be based on the type of contamination at the individual site and the nature of the waters receiving the discharge. Part I B and all pages of Part II apply to all permittees.

General Permit No.: VAG83

Effective Date: February 26, 2008 2013

Expiration Date: February 25, 2013 2018

GENERAL VPDES PERMIT FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES, GROUNDWATER REMEDIATION, AND HYDROSTATIC TESTS

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROGRAM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, the State Water Control Law and regulations adopted pursuant thereto, the owner is authorized to discharge to surface waters ~~at the locations identified in the accepted registration statement~~ within the boundaries of the Commonwealth of Virginia, except to designated public water supplies or waters specifically named in other board regulations or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements and Part II - Conditions Applicable to All VPDES Permits, as set forth herein.

If there is any conflict between the requirements of a ~~Department of Environmental Quality board~~ approved cleanup plan and this permit, the requirements of this permit shall govern.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

1. SHORT TERM PROJECTS.

The following types of short term projects (14 days or less in duration) are authorized under this permit:

- a. Emergency repairs;
- b. Dewatering projects⁽¹⁾;
- c. Utility work and repairs in areas of known contamination;
- d. Tank placement or removal in areas of known contamination;
- e. Pilot studies or pilot tests, including aquifer tests; and
- f. New well construction discharges of groundwater.

Effluent limits for short term projects correspond to the type of contamination at the project site and are given in Tables A 2 through A 5 below. The sampling frequency for these projects shall be once per project term. Discharge monitoring reports for these projects are not required to be submitted to the department, but shall be retained by the owner for a period of at least three years from the completion date of the project.

Owners shall notify the department's regional office in writing within 14 days of the completion of the project discharge. The notification shall include the owner's name and address, the type of discharge that occurred, the physical location of the project work, and the receiving stream. If the discharge is to a municipal separate storm sewer system (MS4), the owner shall also notify the MS4 owner within 14 days of the completion of the discharge.

⁽¹⁾Dewatering projects shall be managed to ensure that they are discharging to an adequate channel or pipe and do not cause erosion in the receiving stream.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

1. ~~2. GASOLINE CONTAMINATION -- FRESHWATER RECEIVING WATERS NOT LISTED AS PUBLIC WATER SUPPLIES ALL RECEIVING WATERS.~~

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to ~~freshwater receiving waterbodies~~ from outfall serial number XXXX. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: outfall from the final treatment unit prior to mixing with any other waters.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD) (<u>GPD</u>)	NA	NL	1/Month ⁽⁴⁾	Estimate
Benzene (µg/l) ⁽¹⁾	NA	50.0 <u>12.0</u>	1/Month ⁽⁴⁾	Grab

Toluene (µg/l) ⁽¹⁾	NA	175.0 <u>43.0</u>	1/Month ⁽⁴⁾	Grab
Ethylbenzene (µg/l) ⁽¹⁾	NA	320.0 <u>4.3</u>	1/Month ⁽⁴⁾	Grab
Total Xylenes (µg/l) ⁽¹⁾	NA	33.0	1/Month ⁽⁴⁾	Grab
MTBE (methyl tert-butyl ether) (µg/l) ⁽¹⁾	NA	1,840.0	1/Month	Grab
<u>Freshwaters not listed as public water supplies and saltwater</u>	<u>NA</u>	<u>440.0</u>	<u>1/Month</u> ⁽⁴⁾	<u>Grab</u>
<u>Freshwaters listed as public water supply</u>	<u>NA</u>	<u>15.0</u>	<u>2/Month</u> ⁽⁴⁾	<u>Grab</u>
pH (standard units)	6.0	9.0	1/Month ⁽⁴⁾	Grab
Total Recoverable Lead (µg/l) ⁽²⁾	NA	e^{(1.273(ln hardness))} -3.259	1/Month	Grab
<u>Freshwaters not listed as public water supplies and saltwater</u>	<u>NA</u>	<u>e^{(1.273(ln hardness))}</u> <u>-3.259</u>	⁽⁴⁾	<u>Grab</u>
<u>Freshwaters listed as public water supply</u>	<u>NA</u>	<u>Lower of</u> <u>e^{(1.273(ln hardness))}</u> <u>-3.259 or 15</u>	⁽⁴⁾	<u>Grab</u>
Hardness (mg/l CaCO ₃) ⁽²⁾	NL	NA	1/Month ⁽⁴⁾	Grab
Ethylene Dibromide (µg/l) ⁽²⁾	NA	5.3	1/Month	Grab
<u>Freshwaters not listed as public water supplies and saltwater</u>	<u>NA</u>	<u>1.9</u>	<u>1/Month</u> ⁽⁴⁾	<u>Grab</u>
<u>Freshwaters listed as public water supply</u>	<u>NA</u>	<u>0.161</u>	<u>2/Month</u> ⁽⁴⁾	<u>Grab</u>
1,2 Dichloroethane (µg/l) ⁽²⁾	NA	990.0 <u>3.8</u>	1/Month ⁽⁴⁾	Grab
Ethanol (µg/l) ⁽³⁾	NA	4100.0	1/Month ⁽⁴⁾	Grab

NL = No limitation, monitoring required

NA = Not applicable

⁽¹⁾Benzene, Toluene, Ethylbenzene, Total Xylenes and MTBE shall be analyzed according to a current and appropriate EPA Wastewater Method (~~40 CFR Part 136, 2007~~) (40 CFR Part 136) or EPA SW 846 Method 8021B (~~1996~~) (1996).

⁽²⁾Monitoring for this parameter is required only when contamination results from leaded fuel. Lead shall be analyzed according to a current and appropriate EPA Wastewater Method (~~40 CFR Part 136, 2007~~) or EPA SW 846 Method 9040C (2004) (40 CFR Part 136). The minimum hardness concentration that will be used to determine the lead effluent limit is 25 mg/l. 1,2 dichloroethane and ~~EDB~~ ethylene dibromide (EDB) shall be analyzed by a current and appropriate EPA SW 846 Method or EPA Wastewater Method from 40 CFR Part 136 (~~2007~~).

EDB in wastewaters discharged to public water supplies shall be analyzed using EPA SW 846 Method 8011 (1992) or EPA Drinking Water Method 504.1 (1995).

⁽³⁾~~Monitoring for ethanol is only required for discharges of water contaminated by gasoline containing greater than 10% ethanol. Ethanol shall be analyzed according to EPA SW 846 Method 8015C (2000) or EPA SW 846 Method 8015C (2007) or EPA SW 846 Method 8260B (1996). Monitoring frequency shall be 1/month in the first year of permit coverage. If the first year results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency for ethanol be reduced from monthly to 1/quarter. The written request shall be sent to the appropriate regional office for review. Upon written notification from the DEQ regional office, monitoring frequency shall be reduced to 1/quarter. Should the permittee be issued a warning letter related to violation of effluent limitations, a notice of violation, or be the subject of an active enforcement action, monitoring frequency for ethanol shall revert to 1/month, upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until the permit's expiration date. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October and January.~~

⁽⁴⁾The monitoring frequency for discharges into freshwaters not listed as public water supplies and saltwater shall be once per month. If the first year results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency for ethanol be reduced from monthly to 1/quarter. The written request shall be sent to the appropriate DEQ regional office for review. Upon written notification from the regional office, monitoring frequency shall be reduced to 1/quarter. Should the permittee be issued a warning letter related to violation of effluent limitations or a notice of violation, or be the subject of an active enforcement action, monitoring frequency for ethanol shall revert to 1/month upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until the permit's expiration date. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January.

The monitoring frequency for discharges into freshwaters listed as public water supplies shall be twice per month for all constituents or parameters. If the first year's results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency for ethanol be reduced to 1/quarter and the other parameters to 1/month. The written request shall be sent to the appropriate DEQ regional office for review. Upon written notification from the regional office, the monitoring frequency for ethanol shall be reduced to 1/quarter and the other parameters to 1/month. Should the permittee be issued a warning letter related to violation of effluent limitations or a notice of violation, or be the subject of an active enforcement action, monitoring frequency shall revert to 2/month upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until the permit's expiration date. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

~~2. GASOLINE CONTAMINATION -- FRESHWATER RECEIVING WATERS LISTED AS PUBLIC WATER SUPPLIES.~~

~~During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to freshwater receiving waterbodies from outfall serial number xxxx. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: outfall from the final treatment unit prior to mixing with any other waters.~~

~~Such discharges shall be limited and monitored by the permittee as specified below:~~

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD)	NA	NL	2/Month ⁴	Estimate
Benzene (µg/l) ¹	NA	12.0	2/Month ⁴	Grab
Toluene (µg/l) ¹	NA	175.0	2/Month ⁴	Grab
Ethylbenzene (µg/l) ¹	NA	320.0	2/Month ⁴	Grab
Total Xylenes (µg/l) ¹	NA	33.0	2/Month ⁴	Grab
MTBE (methyl tert-butyl ether) (µg/l) ¹	NA	15.0	2/Month ⁴	Grab
pH (standard units)	6.0	9.0	2/Month ⁴	Grab
Total Recoverable Lead (µg/l) ²	NA	Lower of (1.273(ln hardness)) -3.259 or 15	2/Month ⁴	Grab
Hardness (mg/l CaCO ₃) ²	NL	NL	2/Month ⁴	Grab
Ethylene Dibromide (µg/l) ²	NA	.169	2/Month ⁴	Grab
1,2 Dichloroethane (µg/l) ²	NA	3.8	2/Month ⁴	Grab
Ethanol (µg/l) ³	NA	4100.0	2/Month ⁵	Grab

NL = No limitation, monitoring required

NA = Not applicable

¹Benzene, Toluene, Ethylbenzene, Total Xylenes and MTBE shall be analyzed according to a current and appropriate EPA Method (40 CFR Part 136, 2007) or EPA SW 846 Method 8021B (1996).

²Monitoring for this parameter is required only when contamination results from leaded fuel. Lead shall be analyzed according to a current and appropriate EPA Wastewater Method (40 CFR Part 136, 2007). The minimum hardness concentration that will be used to determine the lead effluent limit is 25 mg/l. EPA SW 846 Method 8011 (1992) or EPA Drinking Water Method 504.1 (1995) shall be used to analyze ethylene dibromide (EDB) in wastewaters discharged to public water supplies. 1,2 dichloroethane shall be analyzed by a current and appropriate EPA SW 846 Method or EPA Wastewater Method from 40 CFR Part 136 (2007).

³Monitoring for ethanol is only required for discharges of water contaminated by gasoline containing greater than 10% ethanol. Ethanol shall be analyzed according to EPA SW 846 Method 8015C (2007) or EPA SW 846 Method 8260B (1996).

⁴Monitoring frequency shall be 2/month for the first year of permit coverage. If the first year results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency be reduced from 2/month to 1/month. The written request shall be sent to the appropriate regional office for review. Upon written notification from the DEQ regional office, monitoring frequency shall be reduced to 1/month. Should the permittee be issued a warning letter related to violation of effluent limitations, a notice of violation, or be the subject of an active enforcement action, monitoring frequency shall revert to 2/month, upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until the permit's expiration date.

⁵If the first year results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency for ethanol be reduced from 2/month to 1/quarter. The written request shall be sent to the appropriate regional office for review. Upon written notification from the DEQ regional office, monitoring frequency shall be reduced to 1/quarter. Should the permittee be issued a warning letter related to violation of effluent limitations, a notice of violation, or be the subject of an active enforcement action, monitoring frequency shall revert to 2/month, upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until the permit's expiration date. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

3. CONTAMINATION BY PETROLEUM PRODUCTS OTHER THAN GASOLINE -- FRESHWATER RECEIVING WATERS NOT LISTED AS PUBLIC WATER SUPPLIES ALL RECEIVING WATERS.

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to ~~freshwater receiving waterbodies~~ from outfall serial number xxxx. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: outfall from the final treatment unit prior to mixing with any other waters.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD) (<u>GPD</u>)	NA	NL	1/Month ⁽⁴⁾	Estimate
Naphthalene (µg/l) ⁽¹⁾	NA	10.0 <u>8.9</u>	1/Month ⁽⁴⁾	Grab
Total Petroleum Hydrocarbons (mg/l) ⁽²⁾	NA	15.0	1/Month ⁽⁴⁾	Grab
pH (standard units)	6.0	9.0	1/Month ⁽⁴⁾	Grab
<u>Benzene (µg/l)⁽³⁾</u>	<u>NA</u>	<u>12.0</u>	<u>2/Month</u> ⁽⁴⁾	<u>Grab</u>
<u>MTBE (methyl tert-butyl ether) (µg/l)⁽³⁾</u>	<u>NA</u>	<u>15.0</u>	<u>2/Month</u> ⁽⁴⁾	<u>Grab</u>

NL = No limitation, monitoring required

NA = Not applicable

⁽¹⁾Naphthalene shall be analyzed by a current and appropriate EPA Wastewater Method from 40 CFR Part 136 (2007) or a current and appropriate EPA SW 846 Method.

⁽²⁾TPH shall be analyzed using EPA SW 846 Method 8015C (2000) or EPA SW 846 Method 8015C (2007) for diesel range organics, or by EPA SW 846 Method 8270D (2007). ~~If Method 8270D (2007) is used, the lab must report the total of diesel range organics and polynuclear aromatic hydrocarbons.~~

⁽³⁾Monitoring for benzene and MTBE is only required for discharges into freshwaters listed as public water supplies. Benzene and MTBE shall be analyzed according to a current and appropriate EPA Wastewater Method (40 CFR Part 136) or EPA SW 846 Method.

⁽⁴⁾The monitoring frequency for discharges into freshwaters not listed as public water supplies and saltwater shall be once per month.

The monitoring frequency for discharges into freshwaters listed as public water supplies shall be twice per month for all constituents or parameters. If the first year's results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency be reduced to once per month. The written request shall be sent to the appropriate DEQ regional office for review. Upon written notification from the regional office, the monitoring frequency for ethanol shall be reduced to 1/quarter or the other parameters to 1/month. Should the permittee be issued a warning letter related to violation of effluent limitations or a notice of violation, or be the subject of an active enforcement action, monitoring frequency shall revert to 2/month upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until the permit's expiration date.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

~~4. CONTAMINATION BY PETROLEUM PRODUCTS OTHER THAN GASOLINE -- FRESHWATER RECEIVING WATERS LISTED AS PUBLIC WATER SUPPLIES.~~

~~During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to freshwater receiving waterbodies from outfall serial number xxxx. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: outfall from the final treatment unit prior to mixing with any other waters.~~

~~Such discharges shall be limited and monitored by the permittee as specified below:~~

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD)	NA	NL	2/Month ⁴	Estimate
Naphthalene (µg/l) ¹	NA	10.0	2/Month ⁴	Grab
Benzene (µg/l) ²	NA	12.0	2/Month ⁴	Grab
MTBE (methyl tert-butyl ether)(µg/l) ²	NA	15.0	2/Month ⁴	Grab
Total Petroleum Hydrocarbons (mg/l) ³	NA	15.0	2/Month ⁴	Grab
pH (standard units)	6.0	9.0	2/Month ⁴	Grab

NL = No limitation, monitoring required

NA = Not applicable

¹Naphthalene shall be analyzed by a current and appropriate EPA Wastewater Method from 40 CFR Part 136 (2007) or a current and appropriate EPA SW 846 Method.

²Benzene and MTBE shall be analyzed according to a current and appropriate EPA Wastewater Method (40 CFR Part 136, 2007) or EPA SW 846 Method.

³TPH shall be analyzed using EPA SW 846 Method 8015C (2007) for diesel range organics, or by EPA SW 846 Method 8270D (2007). If Method 8270D is used, the lab must report the total of diesel range organics and polynuclear aromatic hydrocarbons.

⁴Monitoring frequency shall be 2/month for the first year of permit coverage. If the first year results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency be reduced from 2/month to 1/month. The written request shall be sent to the appropriate regional office for review. Upon written notification from the DEQ regional office, monitoring frequency shall be reduced to 1/month. Should the permittee be issued a warning letter related to violation of effluent limitations, a notice of violation, or be the subject of an active enforcement action, monitoring frequency shall revert to 2/month, upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until the permit's expiration date.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

5. 4. DISCHARGES OF HYDROSTATIC TEST WATERS -- ALL RECEIVING WATERS.

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to receiving waterbodies from outfall serial number xxxx. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: Outfall from the final treatment unit prior to mixing with any other waters.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS ⁽²⁾	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD) (<u>GPD</u>)	NA	NL	1/discharge	Estimate
pH (standard units)	6.0	9.0	1/discharge	Grab
Total Petroleum Hydrocarbons (TPH, mg/l) ⁽¹⁾	NA	15.0	1/discharge	Grab
Total Organic Carbon (TOC, mg/l)	NA	NL	1/discharge	Grab
Total Residual Chlorine (TRC, mg/l) ⁽³⁾	NA	0.011 ⁽³⁾	1/discharge	Grab
Total Suspended Solids (TSS)	NA	NL	1/discharge	Grab

NL = No limitation, monitoring required

NA = Not applicable

The equipment being tested shall be substantially free of debris, raw material, product, or other residual materials.

The discharge flow shall be controlled in such a manner that prevents flooding, erosion, or excessive sediment influx into the receiving water body.

⁽¹⁾TPH is the sum of individual gasoline range organics and diesel range organics or TPH-GRO and TPH-DRO to be measured by EPA SW 846 Method 8015C (2000) or EPA SW 846 Method 8015C (2007) for gasoline and diesel range organics, or by EPA SW 846 Methods 8260B (1996) and 8270D (2007). ~~If the combination of Methods 8260B and 8270D is used, the lab must report the total of gasoline range organics, diesel range organics and polynuclear aromatic hydrocarbons .~~

(2) Discharge monitoring reports for hydrostatic test discharges are not required to be submitted to the department, but shall be retained by the owner for a period of at least three years from the completion date of the hydrostatic test.

Owners shall notify the department's regional office in writing within 14 days of the completion of the hydrostatic test discharge. The notification shall include the owner's name and address, the type of hydrostatic test that occurred, the physical location of the test work, and the receiving stream.

(3) Total Residual Chlorine limitation of 0.011 mg/l and chlorine monitoring only apply to discharges of test water that have been chlorinated or come from a chlorinated water supply.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

~~6. GASOLINE CONTAMINATION -- SALTWATER RECEIVING WATERS.~~

~~During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to saltwater receiving waterbodies from outfall serial number xxxx. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: outfall from the final treatment unit prior to mixing with any other waters.~~

~~Such discharges shall be limited and monitored by the permittee as specified below:~~

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD)	NA	NL	1/Month	Estimate
Benzene (µg/l) ¹	NA	50.0	1/Month	Grab
Toluene (µg/l) ¹	NA	500.0	1/Month	Grab
Ethylbenzene (µg/l) ¹	NA	4.3	1/Month	Grab
Total Xylenes (µg/l) ¹	NA	74.0	1/Month	Grab
MTBE (methyl tert-butyl ether) (µg/l) ¹	NA	440.0	1/Month	Grab
pH (standard units)	6.0	9.0	1/Month	Grab
Total Recoverable Lead (µg/l) ²	NA	8.5	1/Month	Grab
Ethylene Dibromide (µg/l) ²	NA	5.3	1/Month	Grab
1,2 Dichloroethane (µg/l) ²	NA	990.0	1/Month	Grab
Ethanol (µg/l) ³	NA	4100.0	1/Month ³	Grab

NL = No limitation, monitoring required

NA = Not applicable

¹Benzene, Toluene, Ethylbenzene, Total Xylenes and MTBE shall be analyzed according to a current and appropriate EPA Wastewater Method 602 (40 CFR Part 136, 2007) or EPA SW 846 Method 8021B (1996).

²Monitoring for this parameter is required only when contamination results from leaded fuel. Lead shall be analyzed according to a current and appropriate EPA Wastewater Method 200.8

or 200.9 (40 CFR Part 136, 2007) or EPA SW 846 Method 7010 (2007). 1,2-dichloroethane and EDB (surface waters that are not public water supplies) should be analyzed by a current and appropriate EPA SW 846 Method or EPA Wastewater Method from 40 CFR Part 136 (2007).

³Monitoring for ethanol is only required for discharges of water contaminated by gasoline containing greater than 10% ethanol. Ethanol shall be analyzed according to EPA SW 846 Method 8015C (2007) or EPA SW 846 Method 8260B (1996). Monitoring frequency shall be 1/month in the first year of permit coverage. If the first year results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency be reduced from monthly to 1/quarter. The written request shall be sent to the appropriate regional office for review. Upon written notification from the DEQ regional office, monitoring frequency shall be reduced to 1/quarter. Should the permittee be issued a warning letter related to violation of effluent limitations, a notice of violation, or be the subject of an active enforcement action, monitoring frequency shall revert to 1/month, upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until the permit's expiration date. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October and January.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

~~7. CONTAMINATION BY PETROLEUM PRODUCTS OTHER THAN GASOLINE -- SALTWATER RECEIVING WATERS.~~

~~During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to saltwater receiving waterbodies from outfall serial number xxxx. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: outfall from the final treatment unit prior to mixing with any other waters.~~

~~Such discharges shall be limited and monitored by the permittee as specified below:~~

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD)	NA	NL	1/Month	Estimate
Naphthalene ($\mu\text{g/l}$) ¹	NA	8.9	1/Month	Grab
Total Petroleum Hydrocarbons (mg/l) ²	NA	15.0	1/Month	Grab
pH (standard units)	6.0	9.0	1/Month	Grab

NL = No limitation, monitoring required

NA = Not applicable

¹Naphthalene shall be analyzed by a current and appropriate EPA Wastewater Method from 40 CFR Part 136 (2007) or a current and appropriate EPA SW 846 Method.

²TPH shall be analyzed using EPA SW 846 Method 8015C (2007) for diesel range organics or EPA SW 846 Method 8270D. If Method 8270D (2007) is used, the lab must report the total of diesel range organics and polynuclear aromatic hydrocarbons.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

8. 5. CONTAMINATION BY CHLORINATED HYDROCARBON SOLVENTS -- ALL RECEIVING WATERS.

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge to receiving waterbodies from outfall serial number xxxx. Samples taken in compliance with the monitoring requirements specified below shall be taken at the following location: outfall from the final treatment unit prior to mixing with any other waters.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD) (GPD)	NA	NL	1/Month <u>2/Month if public water supply⁽²⁾</u>	Estimate <u>Estimate</u>
Chloroform (CAS # 67663), (µg/l) ⁽¹⁾	NA	100.0 <u>80.0</u>	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
1,1 Dichloroethane (CAS # 75343) (µg/l) ⁽¹⁾	NA	4.0 <u>2.4</u>	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
1,2 Dichloroethane (CAS # 107062) (µg/l) ⁽¹⁾	NA	3.8	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
1,1 Dichloroethylene (CAS # 75354) (µg/l) ⁽¹⁾	NA	7.0	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
cis-1,2 Dichloroethylene (CAS # 159592) (µg/l) ⁽¹⁾	NA	70.0	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
trans 1,2 Dichloroethylene (CAS # 156605) (µg/l) ⁽¹⁾	NA	100.0	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
Methylene Chloride (CAS	NA	5.0	1/Month	Grab

# 75092) (µg/l) ⁽¹⁾			2/Month if public water supply ⁽²⁾	Grab
Tetrachloroethylene (CAS # 127184) (µg/l) ⁽¹⁾	NA	5.0	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
1,1,1 Trichloroethane (CAS # 71556) (µg/l) ⁽¹⁾	NA	412.0 <u>54.0</u>	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
1,1,2 Trichloroethane (CAS # 79005) (µg/l) ⁽¹⁾	NA	5.0	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
Trichloroethylene (CAS # 79016) (µg/l) ⁽¹⁾	NA	5.0	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
Vinyl Chloride (CAS # 75014) (µg/l) ⁽¹⁾	NA	2.0	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
Carbon Tetrachloride (CAS # 56235) (µg/l) ⁽¹⁾	NA	2.5 <u>2.3</u>	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
1,2 Dichlorobenzene (CAS # 95501) (µg/l) ⁽¹⁾	NA	15.8	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
Chlorobenzene (CAS # 108907) (µg/l) ⁽¹⁾	NA	3.0 <u>3.4</u>	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
Trichlorofluoromethane (CAS # 75694) (µg/l) ⁽¹⁾	NA	5.0	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab
Chloroethane (CAS #	NA	3.6	1/Month	Grab

75003) (µg/l) ⁽¹⁾			2/Month if public water supply ⁽²⁾	Grab
pH (standard units)	6.0	9.0	1/Month 2/Month if public water supply ⁽²⁾	Grab Grab

NL = No limitation, monitoring required

NA = Not applicable

⁽¹⁾This constituent shall be analyzed by a current and appropriate gas chromatograph/mass spectroscopy method from EPA SW 846 or the EPA Wastewater Method series from 40 CFR Part 136 (2007).

⁽²⁾Monitoring frequency for discharges into surface waters listed as public water supplies shall be 2/month for the first year of permit coverage. If the first year results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency be reduced from 2/month to 1/month. The written request shall be sent to the appropriate DEQ regional office for review. Upon written notification from the DEQ regional office, monitoring frequency shall be reduced to 1/month. Should the permittee be issued a warning letter related to violation of effluent limitations, or a notice of violation, or be the subject of an active enforcement action, monitoring frequency shall revert to 2/month, upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until the permit's expiration date.

Part I

B. Special conditions.

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.
2. The permittee shall sample each permitted outfall each calendar month in which a discharge occurs. When no discharge occurs from an outfall during a calendar month, the discharge monitoring report for that outfall shall be submitted indicating "No Discharge."
3. O & M Manual. If the permitted discharge is through a treatment works, within 30 days of coverage under this general permit, the permittee shall develop and maintain on site, an Operations and Maintenance (O & M) Manual for the treatment works permitted herein. This manual shall detail practices and procedures which will be followed to ensure compliance with the requirements of this permit. The permittee shall operate the treatment works in accordance with the O & M Manual. The manual shall be made available to the department upon request.
4. Operation schedule. The permittee shall construct, install and begin operating the treatment works described in the registration statement prior to discharging to surface waters. The permittee shall notify the department's regional office within five days after the completion of installation and commencement of operation.
5. Materials storage. Except as expressly authorized by this permit or another permit issued by the board, no product, materials, industrial wastes, or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, or stored so as to permit a discharge of such product, materials, industrial wastes, or other wastes to state waters.
6. If the permittee discharges to surface waters through a municipal separate storm sewer system, the permittee shall, within 30 days of coverage under this general permit, notify the

owner of the municipal separate storm sewer system in writing of the existence of the discharge and provide the following information: the name ~~and location~~ of the facility, a contact person and ~~telephone~~ phone number; the location of the discharge, the nature of the discharge; and the ~~number of outfalls~~ facility's VPDES general permit number. A copy of such notification shall be provided to the department. Discharge Monitoring Reports (DMRs) required to be submitted under this permit shall be submitted to both the department and the owner of the municipal separate storm sewer system.

7. Monitoring results shall be reported using the same number of significant digits as listed in the permit. Regardless of the rounding convention used by the permittee (e.g., five always rounding up or to the nearest even number), the permittee shall use the convention consistently and shall ensure that consulting laboratories employed by the permittee use the same convention.

8. The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards.

9. Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other federal, state, or local statute, ordinance, or regulation.

10. Discharges to waters with an approved "total maximum daily load" (TMDL). Owners of facilities that are a source of the specified pollutant of concern to waters where an approved TMDL has been established shall implement measures and controls that are consistent with the assumptions and requirements of the TMDL.

11. Termination of coverage. Provided that the department board agrees that the discharge covered under this general permit is no longer needed, the permittee may request termination of coverage under the general permit, for the entire facility or for specific outfalls, by submitting a request for termination of coverage. This request for termination of coverage shall be sent to the department's regional office with appropriate documentation or references to documentation already in the department's possession. Upon the permittee's receipt of the regional director's approval, coverage under this general permit will be terminated. Termination of coverage under this general permit does not relieve the permittee of responsibilities under other board regulations or directives.

Part II Conditions Applicable To All VPDES Permits

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.
4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records.

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individuals who performed the sampling or measurements;

- c. The dates and times analyses were performed;
- d. The individual or individuals who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation; copies of all reports required by this permit; and records of all data used to complete the registration statement for this permit for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department upon request copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit or another permit issued by the board, it shall be unlawful for any person to:

- 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
- 2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, to animal or aquatic life, to the use of such waters for domestic or industrial consumption, for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after the discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit the report to the department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health as follows:

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this subsection:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within five days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Part II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Part II G, H and I may be made to the department's regional office. Reports may be made by telephone ~~or by~~ FAX, or online at <http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/PollutionReportingForm.aspx>. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans an alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under § 306 of the Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of the Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with § 306 of the Act within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information

for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports. All reports required by permits, and other information requested by the board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative thus may be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the department prior to or together with any reports or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least ~~180~~ 30 days before the expiration date of the existing permit, unless permission for a later date

has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U) and "upset" (Part II V), nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Article 11 (§ 62.1-44.34:14 et seq.) of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II U 2 and 3.

2. Notice.

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible, at least 10 days before the date of the bypass.

- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

- a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II U 2.

b. The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset and before an action for noncompliance is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause or causes of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required in Part II I; and

d. The permittee complied with any remedial measures required under Part II S.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor

modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:

- a. The current permittee notifies the department ~~at least~~ within 30 days ~~in advance~~ of the ~~proposed~~ transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

DOCUMENTS INCORPORATED BY REFERENCE (9VAC25-120)

Method	Cite
200.8	40 CFR 136 (2007)
200.9	40 CFR 136 (2007)
504.1	EPA 600/R-95-131 (1995)
7010	EPA SW 846 (2007)
8011	EPA SW 846 (1992)
8015C	EPA SW 846 (2007)
8021B	EPA SW 846 (1996)
8260B	EPA SW 846 (1996)
8270D	EPA SW 846 (2007)
9040C	EPA SW 846 (2004)

Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, U.S. Environmental Protection Agency, Third Edition as amended by Final Updates I, II, IIA, IIB, IIIA, IIIB, IVA, and IVB, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000 or (800) 553-6847, <http://www.epa.gov/SW-846>.

Method 7010 (February 2007)

Method 8011 (July 1992)

Method 8015C (November 2000)

Method 8015C (February 2007)

Method 8021B (December 1996)

Method 8260B (December 1996)

Method 8270D (February 2007)

Method 9040C (November 2004)

Methods for the Determination of Organic Compounds in Drinking Water, Supplement III, EPA Publication 600/R-95/131 (August 1995), U.S. Environmental Protection Agency, Office of Research and Development, Washington, D.C. 20460

Method 504.1 (August 1995)